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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:
- v. -	:
SHAWNDALE LEWIS,	:
Defendant.	:
	: CONSENT PRELIMINARY ORDER OF FORFEITURE/ <u>MONEY JUDGMENT</u>
	: 20 Cr. 39 (ER)
	:
	:
	x

WHEREAS, on or about January 15, 2020, SHAWNDALE LEWIS, (the “Defendant”), and another, was charged in a four-count Indictment, 20 Cr. 39 (ER) (the “Indictment”) with conspiracy to commit bank fraud, in violation of Title 18, United States Code, Section 13494 (Count One), aggravated identity theft, in violation of Title 18, United States Code, Section 1028A (Counts Two and Four), and bank fraud, in violation of Title 18, United States Code, Section 1344 (Count Three);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One and Three, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982, of any and all property constituting or derived from proceeds the Defendant obtained directly or indirectly, as a result of the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses;

WHEREAS, on or about August 14, 2020, the Defendant pled guilty to Count One of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Indictment and agreed to forfeit to the United States pursuant to Title 18, United States Code, Section 982(a)(2)(A): a sum of money

equal to \$80,000 in United States Currency, representing proceeds traceable to the commission of the offense charged in Count One;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$80,000.00 in United States currency, representing the amount of proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained; and

WHEREAS, as a result of the acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained cannot be located upon the exercise of due diligence;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney Samuel P. Rothschild of counsel, and the Defendant, and his counsel, Richard J. Ma, Esq., that:

1. As a result of the offense charged in Count One of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$80,000.00 in United States currency (the “Money Judgment”), representing the amount of proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, SHAWNDALE LEWIS and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable to the “United States Marshals Service” and delivered

by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. This Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

8. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Co-Chief, Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

9. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: Samuel P. Rothschild
Samuel P. Rothschild
Assistant United States Attorney
One Saint Andrew's Plaza
New York, NY 10007
212-637-2504

12/2/2021
DATE

SHAWNDALE LEWIS

By: SHAWNDALE LEWIS

12/10/21
DATE

By: RJM
Richard J. Ma, Esq.
315 Broadway, Suite 200
New York, NY 10007

12/10/21
DATE

SO ORDERED:

EDGARDO RAMOS
HONORABLE EDGARDO RAMOS
UNITED STATES DISTRICT JUDGE

12/10/2021
DATE